

Application No.: 10/590,015
Art Unit: 2617

Amendment under 37 CFR §1.111
Attorney Docket No.: 062917

REMARKS

Claims 1-7 and 9-10 are pending in the application. By this Amendment, claim 10 has been amended. It is submitted that this Amendment is fully responsive to the Office Action dated October 14, 2008.

Claim Rejections - 35 U.S.C. §101

Claim 10 is rejected under 35 U.S.C. §101 as the claimed invention being directed to non-statutory subject matter. Specifically, the Examiner suggests the applicant to change the claim to incorporate “a computer readable medium storing an alarm output program.”

This rejection is respectfully traversed. It is submitted that claim 10 has been amended to overcome this rejection.

Claim Rejections under 35 U.S.C. §103

Claims 1, 3, 5-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klovborg (US 2003/0125075) in view of Lelievre (US 2003/0040272).

This rejection is respectfully traversed.

Claim 1 calls for the feature of “*a control unit operable to (a) cause the receiving unit to start receiving a preset broadcast at a predetermined time before an alarm set time.*” Independent claims 9 and 10 also include similar feature.

With regard to this feature, the Examiner relies on the disclosure of Lelievre, particularly paragraph 0043. However, it is submitted that Lelievre does not disclose or fairly suggest the structure in which reception of a broadcast is started at a time before a time of start of the broadcast, and when a receiving intensity of the broadcast is less than a prescribed value, detection of a new broadcast is started.

Specifically, the Examiner contends that the claimed feature of “at a predetermined time before an alarm set time” is disclosed in paragraph 0043 of Lelievre (please see page 5 of the Action). However, what is disclosed in the paragraph 0043 of Lelievre is the structure in which when reception of a broadcast is failed, a user is notified of the failure of the reception via a text or an audio. Accordingly, Lelievre neither discloses nor suggests reception of a broadcast is started at a predetermined time before an alarm set time.

Moreover, as acknowledged by the Examiner, the Examiner’s primary reference of Klovborg is also silent regarding this claimed feature.

In view of the above, it is submitted that even if, assuming *arguendo*, that Klovborg may be combined with Lelievre in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of “***at a predetermined time before an alarm set time***,” as called for in claim 1 and similarly in claims 9 and 10.

Accordingly, independent claims 1, 9 and 10 distinguish over Klovborg and Lelievre.

Claims 3 and 5-7 are dependent from claim 1 and recite the additional features set forth therein. Accordingly claims 3 and 5-7 also distinguish over Klovborg and Lelievre for at least the reasons set forth above.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klovborg (US 2003/0125075) in view of Lelievre (US 2003/0040272) in view of Itoh (US 2004/0259495).

This rejection is respectfully traversed. claim 2 is dependent from claim 1 and recites the additional features set forth therein. Accordingly claim 2 also distinguishes over Klovborg, Lelievre and Itoh for at least the reasons set forth above.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klovborg (US 2003/0125075) in view of Lelievre (US 2003/0040272) in view of De Verteuil (US 2003/0148771).

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This rejection is respectfully traversed. Claim 4 is dependent from claim 1 and recites the additional features set forth therein. Accordingly claim 4 also distinguishes over Klovborg, Lelievre and De Verteuil for at least the reasons set forth above.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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